UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1993/NGO/1
27 April 1993

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Eighth session
10-28 May 1993

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[17 March 1993]

General remarks

1. The Baha'i International Community regrets that it must report once again the continuing massive violations of human rights of Baha'is in the Islamic Republic of Iran. It is beyond doubt that the continuing discrimination against Baha'is is for no other reason than their religious beliefs. Repeatedly, Baha'is have been offered relief from persecution if they were prepared to recant their faith in what the Iranian Government considers to be a "misguided sect" and "return" to Islam. 1/ It is important to underscore that such discriminatory treatment and persecution are part of a conscious and systematic policy by the Iranian Government to exterminate the Baha'i faith which it considers to be a "heresy". 2/ Such a policy is a flagrant violation of Iran's obligations concerning non-discrimination under article 2 (2) of the Covenant on Economic, Social and Cultural Rights as well as other international human rights instruments. A United Nations study even goes so far as to suggest that the actions of the Iranian Government against the Baha'is amount to genocide. 3/

2. The constitutional and legal basis for this discrimination is found in the refusal of the Iranian Government to recognize the Baha'i community as a

legitimate religious minority. In spite of the fact that the Baha'i faith is an independent religion with its own sacred texts and that it constitutes the largest religious minority in Iran, article 13 of the Constitution of the Islamic Republic of Iran provides that: "Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and act according to their own canon in matters of personal affairs and religious education". In the Islamic State, personal and all other rights of citizens are conditioned on legal recognition of the respective religious minority to which they belong. In the absence of official recognition, therefore, Baha'is are considered as "unprotected infidels" enjoying no juridical personality or legal protection.

3. In view of the obvious nature of the discrimination against Baha'is, it is not the wish of the Baha'i Interntional Community to burden the Committee with an exhaustive documentation of all such human rights violations by the Iranian Government. The examples included in this submission - for which official documentation is available upon request - suffice to establish beyond any doubt a systematic policy of discrimination by the Islamic Republic of Iran, aimed at the economic strangulation and elimination of the Baha'i Community.

Regarding article 6, article 9 and article 11 of the Covenant

4. In response to the appeal of an elderly man, Mr. Bab'ullah Sharji-Chaleh Zamini, that his withdrawn pension be restored, the 9th Branch of the Court of Administrative Justice, on 24 June 1991, held as follows:

> "Due to the fact that membership in the misguided Baha'i sect, a sect which is considered to be outside Islam, is cause for dismissal from all government posts, with all that it might imply, ... and further taking into consideration the fact that the complainant has not denied membership in the misguided sect, the Court does not find the complaint acceptable. This verdict is final."

5. The above example illustrates beyold doubt the fact that dismissal from employment and/or the withdrawal of pensions of Baha'is is based solely on religious grounds. In accordance with directives from the Iranian Ministry of Labour, almost all Baha'is have been arbitrarily dismissed from their jobs in both the public and private sectors. Furthermore, the retirement pensions of Baha'is dismissed on religious grounds have been terminated and some have even been pressured to return salaries or pensions paid to them. Almost every termination notice served on a Baha'i has contained the provision that the individual's job or pension will be restored to him if he would publicly recant his faith.

6. Iranian citizens who identify themselves as Baha'is, furthermore, have had their business and trade licences withdrawn and are not allowed officially to open their own businesses. There have been incidents of harassment in the cities of Karaj and Aran in the province of Kashan where Baha'is were ordered to close their stores. Baha'i farmers are denied admittance into farmers' cooperatives which are often the only source of credit, seeds, pesticide and fertilizer. Numerous private and business properties such as houses and farms

have been arbitrarily confiscated and sold at Government auctions or put up for sale, without any consideration of the appeals of the Baha'is concerned.

7. Between August and September 1992, properties belonging to Baha'is in Iran in three major cities, namely Tehran, Isfahan and Yazd, were confiscated. Several Baha'is, including widows and elderly persons, have been forcibly evicted and their homes, along with all their possessions, confiscated. As far as pension rights are concerned, high-ranking officials have ruled that no Baha'i may receive any form of payment from the "Muslim Treasury". These payments include not only salaries and pensions, but also State medical, welfare and insurance payments. It is evident from the above that the Baha'is are deprived of the "right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions".

Regarding article 10 of the Covenant

8. Under the Islamic law of Iran, Baha'i marriages are not legally recognized. Baha'i wives are regarded as mistresses and prostitutes, and their children are considered illegitimate. The Baha'i family is not recongized as a legitimate family. In effect, Baha'is must recant their faith in order to marry legally. Existing marriages are declared void.

9. Birth certificates have been denied to Baha'i children or have been issued only after long delays on the ground of non-recognition of the parents' marriage. In practice, Baha'i children are deprived of the right of inheritance from parents or relatives. In certain cases, teenage Baha'i girls have been abducted and forced into marriage with Muslims against their will. 4/

Regarding article 12 of the Covenant

10. Mr. Fereidoon Samali (also spelled Fereydoon Shomali) suffered serious damage to his eyes during an accident involving fire. The Department of Ophthalmology at the Labbafinejad Medical Centre in Tehran recommended on 8 December 1983 that he undergo surgery to rectify his condition. The authorities in charge of the Islamic Committee at the Medical Centre, however, decreed that "since Mr. Fereydoon Shomali has personally confessed his connection with the Zionist Baha'i faction, the cornea graft is not to be performed for religious reasons". Many other Baha'is have been similarly denied access to health care solely on the grounds of their religious beliefs.

Regarding article 13 of the Covenant

11. Baha'is are still being refused admission to universities and other institutions of higher learning, solely on the basis of their religious beliefs. For example, Ms. Taraneh Navidi Moghadam, a student of English language and literature at the University of Allaheme-Tabatabai, was informed in a letter dated 16 October 1989 from the Ministry of Education that she is forbidden to continue her studies because of belonging to the "depraved sect". The letter, furthermore, stipulates that: "In order to resume your studies, it is necessary for you to make appearances in three widely distributed newspapers stating that you have recanted from this sect."

Concluding remarks

12. The Baha'i International Community welcomes the cooperation of the Islamic Republic of Iran in the submission of its report to the Committee on Economic, Social and Cultural Rights. Despite the pervasive evidence of systematic discrimination against Baha'is, however, the Iranian Government has continued to evade accountability by omitting any reference to the Baha'i Community in its official reports. Iranian representatives, furthermore, have continued their attempts to convince the Committee that the Baha'is should be dismissed as a subversive political sect, without producing any evidence to this effect.

13. Particularly disturbing was the assertion of the Iranian representative, during the 43rd meeting of the Committee on 7 December 1990, that: "The Baha'is are not a religious minority, and not in fact a minority at all", pointing to the fact that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had not yet produced a definition of minorities (see E/C.12/1990/SR.43, p. 5, para. 17). Such a position clearly indicates an unwillingness on the part of the Islamic Republic of Iran to take seriously its obligations under international law not to discriminate against its citizens on the basis of religious belief.

14. In order that the cooperation of the Iranian Government with the Committee on Economic, Social and Cultural Rights may become more meaningful, and as an indication of a genuine desire to respect fundamental human rights, the deliberate violations of the rights of Baha'is in Iran must cease and appropriate measures must be adopted to guarantee for Baha'is the same legal protection granted to other Iranian citizens. The Baha'is do not seek any special advantages or privileges from the Iranian Government. They seek only the basic human right to practise their religion.

Notes

1/ Such violations have been thoroughly documented and reported to the United Nations Commission on Human Rights by the Special Representative, Professor Reynaldo Galindo Pohl, as well as by the Special Rapporteur on Religious Intolerance, Mr. Angelo d'Almeida Ribeiro. The recent report of Professor Galindo Pohl, submitted to the forty-eighth session of the Commission on Human Rights on 2 January 1992, once again reveals the persistence of "discrimination against certain groups of citizens on account of their religious beliefs, specifically the Baha'is ...". (See: E/CN.4/1992/34, p. 90, para. 476.)

2/ According to the official submission of the Islamic Republic of Iran to the Special Representative Professor Reynaldo Galindo Pohl: "Muslim Ulamas have declared Baha'ism as heresy". (See: E/CN.4/1991/35, p. 89, para. 459 (c).)

3/ See: Updating of the Study on the Question of the Prevention and Punishment of Genocide, prepared by Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of

Minorities, E/CN.4/Sub.2/1985/6 and Corr.1, pp. 9-10, where he mentions as a recent example of genocide: "the contemporary Iranian killings of Baha'is".

4/ Moreover, parental rights are utterly disregarded by the Iranian authorities. For example, two Baha'i schoolgirls, aged 13 and 14 years respectively, were last seen by their families when they left for school as usual on 17 June 1981 in Islam Shahr. They were Mitra Aqdasi of Balu (Urumiyyih) and Zhila Qudratiyian of Musa Abad. Their parents were subsequently informed that their daughters had converted to Islam and wanted nothing more to do with their Baha'i families. The parents, overcome with grief over their abduction, complained to all the relevant authorities, but with no results whatsoever. The girls are reportedly alive but their parents and other family members or friends are not permitted to communicate with them. Information gathered strongly indicates that the entire episode was the work of an Islamic religious instructor who organized the kidnapping of these two girls, with the complicitous inaction of the authorities.